

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CASE NO. 03-CR-10356-MLW**

**UNITED STATES**

**VS.**

**FREDERICK A. SIMONE,  
a/k/a FREDDY, a/k/a  
THE NEIGHBOR,**

**VINCENT C. GIOCCHINI,  
a/k/a DEE DEE; and**

**FRANCIS WHITE, a/k/a  
THE WHITE-HAIRED GUY**

**MOTION FOR FRANKS HEARING  
AND MOTION TO COMPEL DISCLOSURE OF INFORMANT  
STATUS OF PURPORTED TARGETS**

Now comes the defendant, Frederick A. Simone, in the above numbered indictments and moves this Court for a hearing to determine whether there were misstatements, omissions and misrepresentations as to material facts submitted in the applications for electronic surveillance of the defendant's home and telephones.

The defendant submits that there is a reasonable likelihood that the affiant, Pasquale Rusallilo made misstatements as to the role of two purported "targets" to the investigation, Vincent Roberto and Michael Dezatell in the underlying investigation set forth in the affidavit.

The defendant submits that the affidavits submitted herein raise a significant factual basis that there is a good faith belief that the aforesaid "targets" were, in fact, informants which fact was not made known to the issuing magistrate.

A memorandum of law is incorporated herein by reference in support hereof.

WHEREFORE the defendant moves this Court for a hearing to determine whether these named individuals were not targets but rather informants.

Frederick Simone  
By his attorney

“s/Kevin J. Reddington